

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS COMMERCE COMMISSION  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**

2002 SEP -5 A 10: 30

Commonwealth Edison Company )  
)  
Verified Emergency Petition for a Declaratory )  
Ruling determining Commonwealth Edison )  
Company's obligations under the provisions of )  
Article IX of the Public Utilities Act, including )  
220 ILCS 5/9-102, 103, 104, 201, 240, and 241, )  
to pay under ComEd's Rider 3-Qualified Solid )  
Waste Energy Facility Purchases to Resource )  
Technology Corporation for purchases of )  
energy from Resource Technology )  
Corporation's facility located at 14732 East )  
2100 North Road, Pontiac, Illinois in quantities )  
that are in excess of that facility's 10 MW )  
configured capacity specified in the )  
Commission's Order in Docket 97-0034 dated )  
October 8, 1997 or for other relief )

CHIEF CLERK'S OFFICE

Case No. 02-0455

**INTERVENORS BANCO PANAMERICANO, INC.'S,  
CHIPLEASE, INC.'S AND LEON GREENBLATT'S  
EMERGENCY APPLICATION FOR REHEARING**

Intervenors Banco Panamericano, Inc., Chiplease, Inc. and Leon Greenblatt (collectively referred to as "Banco"), by their attorneys, pursuant to 83 Ill. Adm. Code 200.880, apply to the Illinois Commerce Commission ("Commission") for an Emergency Rehearing of the Order on the Merits entered by the Commission on September 4, 2002 (the "Final Order"). Banco further seeks that the Commission enter a stay of the enforcement and effect of the Final Order pending a final determination of Banco's Emergency Application For Rehearing, for which Banco concurrently files a Joinder In RTC's Emergency Petition For Stay. Banco specifically applies for Rehearing as to the following issues:

- 1. Whether the Commission erred in finding that the Commission's October 8, 1997 Order imposed a 10 MW limit on the QSWEF status for the Pontiac facility. (Final Order, p. 15.)**

Banco contends that the Commission's finding that the October 8, 1997 Order imposed a 10 MW limit for the amount of electricity generated from landfill methane gas by the Pontiac facility is erroneous. As support, Banco incorporates the arguments contained on pages 1-3 of the previously filed Brief On Exceptions By Banco Panamericano, Inc., Chiplease, Inc. and Leon Greenblatt to the Proposed Order dated July 29, 2002 ("Banco's Brief On Exceptions").

- 2. Whether the Commission erred in finding that the Commission possesses the authority to set wattage limits on individual QSWEFs such as the Pontiac facility. (Final Order, p. 15.)**

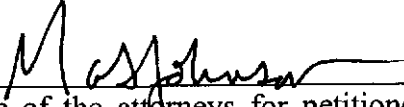
Banco contends that the Commission's finding that it possess the authority to set wattage limits for the Pontiac facility is erroneous. As support, Banco incorporates the arguments contained on pages 4-7 of Banco's Brief On Exceptions.

- 3. Whether the Commission erred in finding that Commonwealth Edison Company ("ComEd") and the Commission's Staff are not estopped from seeking the relief sought by ComEd. (Final Order, p. 16.)**

Banco contends that the Committee's finding that ComEd and the Commission's Staff are not estopped from seeking the relief sought by ComEd in this proceeding is erroneous. As support, Banco incorporates the arguments contained on pages 7-11 of Banco's Brief On Exceptions.

Respectfully submitted,

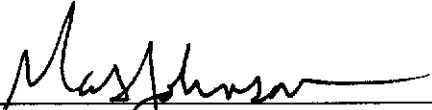
D'ANCONA & PFLAUM LLC

By:   
One of the attorneys for petitioners Banco  
Panamericano, Inc., Chiplease, Inc. and  
Leon Greenblatt

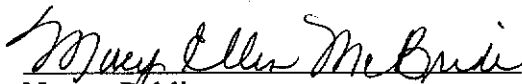
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**VERIFICATION BY CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing document are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid, that he verily believes the same to be true.

  
\_\_\_\_\_  
Mark L. Johnson

Subscribed and sworn to before  
me, on this 4th day of September, 2002.

  
\_\_\_\_\_  
Notary Public



STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

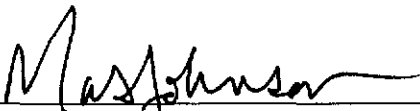
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that are in excess of that facility's 10 MW	)	
configured capacity specified in the	)	
Commission's Order in Docket 97-0034 dated	)	
October 8, 1997 or for other relief	)	

**NOTICE OF FILING**

PLEASE TAKE NOTICE that we have this 4th day of September, 2002, filed with the Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, via Federal Express the **Intervenors Banco Panamericano, Inc.'s, Chiplease, Inc.'s and Leon Greenblatt's Emergency Application for Rehearing** in the above-captioned proceeding.

**PROOF OF SERVICE**

Mark L. Johnson, being first duly sworn, deposes and says that he is an attorney for Banco Panamericano, Inc., Chiplease, Inc. and Leon Greenblatt and that on September 4, 2002 a copy of the **Intervenors Banco Panamericano, Inc.'s, Chiplease, Inc.'s and Leon Greenblatt's Emergency Application for Rehearing** was served via Federal Express on Donna Caton, Chief Clerk of Illinois Commerce Commission and via facsimile and/or e-mail to all parties of record on the attached Service List.

  
\_\_\_\_\_  
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